

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Desimber Wattleton-Jones; and
Christopher Jones,

Plaintiffs,

vs.

Tommy Richardson; Barbara Wright;
Gregory R. Wright; Paul Cuddy; Grace
Cathedral Ministries; Dove Love
Foundation; and FirstFruits Foundation,

Defendants.

Civil Action No. 6:13-2714-TMC

ORDER

Plaintiffs, jointly proceeding *pro se* and *in forma pauperis*, filed this action alleging a breach of contract. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that this action be remanded to state court based upon the lack of subject matter jurisdiction. Plaintiffs were advised of their right to file objections to the Report. (ECF No. 26 at 5). However, Plaintiffs filed no objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report and the record in this case, the court adopts the magistrate judge's Report (ECF No. 26) and incorporates it herein. The court finds it is without subject matter jurisdiction and remands this case to the Court of Common Pleas for Greenville County, South Carolina. The Clerk of Court is directed to send a certified copy of this order, to the Clerk of Court for Greenville County. Attorneys are responsible for supplementing the State Record with all documents filed in Federal Court.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

February 4, 2014
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.